UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,512	10/31/2001	Stanley T. Lim	004867.P004	3244

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EXAMINER
JANVIER, JEAN D

ART UNIT	PAPER NUMBER
3622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/001,512	LIM ET AL.
	Examiner	**Art Unit**	
	Jean Janvier	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14-38 and 40-43* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12, 14-38 and 40-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response To Applicant's Arguments

First, it appears that the Applicant disagrees with the Examiner's assertion in the "Official Notice" without pointing out the specific deficiency therein. However, such challenge is improper because the Applicant has failed to point out the deficiency in the "Official Notice" based on the state of the prior art and/or the Applicant's understanding of the art. Furthermore, the materials discussed therein are indeed daily examples. In addition, the Examiner herein cites the Hanson's Patent as a courtesy reference, which shows that a user himself selects the price or the amount of money, from a plurality of displayed amounts, that he wants to receive to read an associated ad. Second, contrary to the Applicant's contention, combining the "Official Notice" with the Goldhaber's Patent does not yield to a system wherein a user declines to read or respond to an ad after the ad has already been presented to the user. In fact, Goldhaber discloses a system that displays on a user's screen the image of a Gold coin or Cybercoin showing a monetary value, wherein the user can click on the Cybercoin to indicate to the system that he/she is willing to read the ad associated with the displayed Cybercoin for the indicated monetary value. In other words, contrary to the Applicant's conclusion, the associated ad is displayed after the user himself selects the Cybercoin, wherein the selection triggers the retrieval and display of the related ad. Having said that, combining the "Official Notice" with Goldhaber's does indeed address the claimed invention by rendering it obvious under 35 U.S.C 103(a).

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments as herein presented are not plausible and thus, the last Office Action, as shown below, is hereby maintained and the current **Office Action has been made Final.**

DETAILED ACTION

Specification

Status of the claims

1-12, 14-38 and 40-43 are currently pending in the Instant Application, while claims 13,

39 and 44-88 are being canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

Claims 1-12, 14-38 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Goldhaber, US Patent, 5, 794, 210.

As per claims 1-12 and 14-38 and 40-43, Goldhaber et al. disclose a method and/or system for brokering and selling the attention of the customer wherein, among other things, advertisers are bidding for the opportunity to have their ads read by a customer of subscriber of the system depending upon the highest credit or compensation offered for the customer's attention. By clicking on a Cybercoin button (or inherent banner, ad box or link) or selectable object, displayed on the customer's PC 104, representing an ad, a customer indicates his intention to read the said ad and once the system verifies, through a quiz process or a test, that the customer has indeed read or interacted with the ad or advertisement, which guarantees that the advertiser's message has received full attention or interaction, the customer is compensated in the form of credits or digital cash for paying attention to the ad (determining whether or not the user accesses the system to read or view an advertisement or uses his reasoning to answer questions or respond to the quiz and subsequently receives a compensation for reading or viewing the advertisement. The latter guarantees that an Internet operation, that is accessing a web site and reading an advertisement, has been performed and that the user has interacted with the displayed advertisement, thereby measuring the system effectiveness (Col. 16: 6-16; fig. 12; col. 7: 48-61; col. 11: 32-38; see also claims 1, 13 and 14 of the current reference; see abstract).

In general, Goldhaber teaches a system for providing an incentive to a qualified customer to read at least one advertisement from an advertiser. An icon or gold coin is displayed on the customer's computer screen when the customer logs into the system. And if the customer takes an action or clicks on the gold coin, then an advertisement associated with the displayed coin is presented to the customer and an account related to the customer is credited accordingly upon verifying that the customer has indeed viewed or interacted with the presented advertisement. To

this end, prior to crediting the customer's account, a quiz or a questionnaire related to the

displayed advertisement or a game based on the component of the advertisement is being

generated and presented to the customer within a Graphical User Interface (GUI) or within a

Web page of the associated web site before the consumer or the consumer's PC accesses a

database to retrieve the digital cash or resource associated with the reading of the advertisement

(reads on the step of creating a graphical image with information on the question) and if the

customer correctly answers the quiz or the questionnaire (reads on the matching step) or registers

a high score while playing the generated game, then it can be positively concluded that the

customer has in fact read the displayed advertisement and the customer's account can be credited

accordingly (See abstract; col. 7: 48-61; Col. 16: 6-16; fig. 12; see also claims 1, 13 and 14).

Here, clicking on the Cybercoin, showing an associated monetary amount, expressly

indicates the user's desire to read a related ad for the monetary value shown on the Cybercoin.

Further, Goldhaber discloses a system that enables a user to control the type of advertisements he

sees not only by clicking on one or more displayed Cybercoins (reward thresholds), having

monetary values, but also by editing or updating himself his stored profile data (filter control),

which are used to control or customize the advertisements sent to the user (Col. 11: 8-44; col. 12:

47 to col. 14: 56; col. 17: 64 to col. 18: 12).

As per claims 1, 2 and 35, Goldhaber does not explicitly disclose a system wherein the

user, but not the advertiser, sets the price or indicates the amount of money he wants to receive in

order to read an ad (establishing a reward threshold), wherein the indicated amount is provided to

the user to read such ad.

However, it is common practice in the industry for a user (a professional, a contractor, a celebrity, a star or an individual) to specify the amount of money he wants to receive in order to perform a duty or task or to participate in an event, such as being a spoke-person for a product in an ad. For example, a professional football player will indicate, through his agent, to an interesting party who wants him to endorse his product/service the amount of money he wants to receive to perform such a duty. Furthermore, it is common practice in the art for a user to agree to perform a duty, such as reading or viewing an ad, for a specific amount of money that he himself sets or establishes before he actually performs the task. (See the Hanson's reference cited in the conclusion section).

"Official Notice"

Thus, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the above disclosure ("Official Notice") into the Goldhaber's system so as to allow the user to set or preset or specify the amount of money or reward thresholds (or other type of compensation such as discount coupon, points, credits digital cash) he wants to receive in order to read an ad (a certain type of ads) and to store the specified amount of money along with the user's profile data in a database (setting the user's profile or filter setting), wherein, upon visiting by the user a web site associated with the system, the system is configured to compare the advertiser's specifications, including a price that the advertiser wants to pay a user for the privilege to present an ad to the user, to the user's stored profile data including the user's asking price or specified monetary amount to read or view an ad (a certain type of ads) and to display the ad to the user when there is a match and when the user's asking price to read the ad is the same as the advertiser's price offer, thereby giving the latitude or full control to the user to

specify, ahead of time or prior to the user visiting the web site, the amount of money or digital

cash (points, credits, discount coupons or reward thresholds) that he wants to receive in order to

read or view an ad from an advertiser instead of the advertiser making such decision and the user

might refuse or decline if he believes the amount or offer is not sufficient, while speeding up the

system or the process of displaying an ad to the user by storing ahead of time in a database along

with the user's profile information the amount of money the user wants to read an ad (a certain

type of ads), while increasing the chances that the user will read the ad by accepting the

advertiser's price offer since the user has indicated or specified a price that matches such offer

and while increasing the efficiency of the system by speeding up the delivery of the

advertisements and reducing system bottleneck by displaying a Cybercoin, showing a value

equal to the user preset price, that invites the user to read an associated ad when his profile data

match the advertiser's criteria and the price for reading such an ad is right based on the user's

selection or price specification.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

USP 5,974,398 to Hanson discloses an advertising bidding system that displays on a user's

screen a plurality of bid tags, from a plurality of advertisers, along with respective bid prices,

wherein the user himself selects a bid tag with its respective price to indicate that he wants to

read the advertisement associated with the selected bid tag for the displayed price tag (broadly

interpreted, the user sets the price he wants to receive for reading an associated ad by selecting a

price tag next to a related bid tag). See figs. 4-5.

US Patent 5,724,521A to Dedrick discloses a system wherein an advertiser is charged for

the amount of time a user spends reading advertising messages from the advertiser and wherein

the user is compensated accordingly.

USP 6,195,698B1 to Lillibridge discloses a method for selectively accepting access

requests from a client computer connected to a server computer by a network. The server

computer receives an access request from the client computer. In response, the server computer

generates a predetermined number of random characters. The random characters are used to form

a string in the server computer. The string is randomly modified **either visually or audibly to**

form a riddle. The original string becomes the correct answer to the riddle. The server computer

renders the riddle on an output device of the client computer. In response, the client computer

sends an answer to the server. Hopefully, the answer is a user's guess for the correct answer. The

server determines if the guess is the correct answer, and if so, the access request is accepted. If

the correct answer is not received within a predetermined amount of time, the connection

between the client and server computer is terminated by the server on the assumption that an

automated agent is operating in the client on behalf of the user (See abstract).

USP 6,529,878B2 to De Rafael discloses a system and method for compensating users

for responding to advertisements in an interactive manner that poses questions for users and

dynamically generates further questions in response to users' answers to previous questions. A

user sets up an account on a remote computer that is then credited each time a user has

completed the series of questions and answers relating to an advertisement. In setting up the

account, the remote computer obtains demographic information from the user, such as the user's

name, age, gender, place of residence and occupation. The remote computer can generate the

questions not only in response to answers to previous questions but also in response to the demographic information. The remote computer provides the advertisers with the users' answers or with statistical information computed in response to the answers and the user demographics.

This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee of $***.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application, which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

Any inquiry concerning this communication from the Examiner should be directed to

Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally

be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner

by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached

at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

Jean D. Janvier

JDJ   **Patent Examiner**

10/27/07   Art Unit 3622

JEAN D. JANVIER
PRIMARY EXAMINER